



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-------------------------------|--------------------------------|------------------|
| 09/782,933 | 02/14/2001 | Hulikunta Prahlad Raghunandan | JP920000216US1 | 6926 |
| 39903 | 7590 | 02/22/2005 | | |
| ANTHONY ENGLAND PO Box 5307 AUSTIN, TX 78763-5307 | | | EXAMINER PHILLIPS, HASSAN A | |
| | | | ART UNIT 2151 | PAPER NUMBER |

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,933

Applicant(s)RAGHUNANDAN, HULIKUNTA
PRAHLAD**Examiner**

Hassan Phillips

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 20 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 20 and 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The action is in response to amendments filed on August 30, 2004.

Claim Objections

2. After consideration of the amendments made to claims 9 and 18 to correct minor grammatical errors, the Examiner has withdrawn the objection of claims 9 and 18.

Claim Rejections - 35 USC § 112

3. After consideration of the amendments made to claims 3, 8, and 17, to correct antecedent basis issues, the Examiner has withdrawn the rejections of claims 3, 8, and 17 under 35 USC 112, second paragraph.

Response to Arguments

4. Applicant's arguments filed August 30, 2004 have been fully considered but they are not persuasive. Applicant argues: Greer does not teach "each attribute contained within the one or more attribute records has an associated weight, said one or more attribute records further comprising said associated weights, said attributes and associated weights being derived from said acquired data".

Examiner respectfully submits that Applicant has misinterpreted the prior art of record. In regards to Applicants arguments, Greer teaches that each attribute (i.e. 238

Art Unit: 2151

and 242) has an associated weight on page 3, paragraph 23. In a specific example given by Greer a weight of 10 is associated with the attribute: How Long Connected To The Web 238, see Fig. 2. In acquiring data on how long a user spent at a basketball Web site, the attribute 238 is derived with the associated weight. Once the weight (in this case 10 minutes) is exceeded, information is then provided to the user. Although Greer does not show a similar example associating a weight with the attribute: Web Sites Visited 242, it is inherent that such a weight exists (see page 2, paragraph 15).

Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly. Accordingly the references supplied by the examiner in the previous office action covers the claimed limitations. The rejections are thus sustained. Applicant is requested to review the prior art of record for further consideration.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2151

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3-6, 8-10, 20, 23-26, and 29-31, are rejected under 35

U.S.C. 102(e) as being anticipated by Greer et al. (hereinafter Greer), U.S. patent publication 2001/0011226.

7. In considering claims 1, 20, and 23, Greer discloses a method, a server system, and a computer program product for providing information via a public network to a user, comprising the steps of: Identifying the user, (page 2, paragraph 21); acquiring data from sites searched or visited by the user via the public network, (page 2, paragraphs 15-16); generating a user profile pertaining to the user, said user profile including one or more attribute records (page 2, paragraphs 15-16), said one or more attribute records comprising attributes such that each attribute contained within the one or more attribute records has an associated weight, said one or more attribute records further comprising said associated weights, said attributes and associated weights being derived from said acquired data, (page 3, paragraph 23); and providing information obtained via the network to the user based on a user profile, (page 3, paragraphs 23-25).

8. In considering claim 3, Greer teaches directing advertising to the user based on the user profile. See page 2, paragraph 15.

9. In considering claims 4, 24, and 29, it is inherent that the method taught by Greer records section headings and keywords of said sites searched or visited by the user. See page 2, paragraph 15.

10. In considering claims 5, 25, and 30, Greer teaches storing the keywords in a cache. See page 1, paragraphs 14-15.

11. In considering claims 6, 26, and 31, it is inherent in the teachings of Greer that the keywords are mapped to the attributes. See page 2, paragraph 15.

12. In considering claim 8, Greer teaches the attributes comprising personal special interests. See page 2, paragraph 15.

13. In considering claim 9, Greer teaches the associated weights being a function of time spent by the user on, or a frequency by the user of visits to, sites of the public network. See page 3, paragraph 23.

14. In considering claim 10, Greer teaches the user profile being continuously updated with usage of the public network by the user. See page 3, paragraphs 23-25.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 2, is rejected under 35 U.S.C. 103(a) as being unpatentable over Greer in view of Hoguta et al. (hereinafter Hoguta), U.S. patent 6,725,303.

17. In considering claim 2, although the disclosed method, server system, and computer program taught by Greer shows substantial features of the claimed invention, it fails to show:

a) Identifying a user by fingerprint, retinal pattern, or voice.

Nevertheless, in a similar field of endeavor, Hoguta teaches providing information via a public network to a user comprising:

a) Identifying a user by acquiring a user's fingerprints, retinal pattern, or voice pattern, (col. 3, lines 33-45).

Given the teachings of Hoguta it would have been apparent to one of ordinary skill in the art, to modify the teachings of Greer to show identifying a user by fingerprint, retinal pattern, or voice, before providing information to the user via a public network. This would guarantee that information is being sent to the correct user only, and not to

Art Unit: 2151

someone else who may be using the users terminal. This would also give the user the flexibility to go anywhere in the world and still be capable of receiving information based on the users profile, Hoguta, col. 1, lines 36-61.

18. Claims 7, 27, 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer.

19. In considering claims 7, 27, and 32, although the disclosed method, server system, and computer program taught by Greer shows substantial features of the claimed invention, it fails to expressly show: the attributes being selected from the group consisting of economic stratum, age group, sex, educational background, occupation, religious background, and personal technical interests.

Nevertheless, Greer does teach the attributes being selected from a group consisting of: Web sites frequented by a user, (page 2, paragraph 15).

Thus, it would have been obvious to one of ordinary skill in the art, to modify the teachings of Greer to show the attributes being selected from the group consisting of economic stratum, age group, sex, educational background, occupation, religious background, and personal technical interests, and combinations thereof. It was well known in the art at the time of the present invention for web sites to be based on such groups, Greer, page 3, paragraph 23.

20. Claims 11, 22, 28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer in view of Hoguta, and further in view of Kwok et al. (hereinafter Kwok), U.K. patent publication GB 2,346,239 A.

21. In considering claims 11, 22, and 28, although the combined methods, server systems, and computer programs taught by Greer and Hoguta, shows substantial features of the claimed invention, they fail to expressly show:

- a) Identifying a user by capturing a video image of a portion of the user's body.

Nevertheless, in a similar field of endeavor, Kwok teaches providing private information via a public network to a user comprising:

- a) Identifying a user by capturing a video image of a portion of a user's body, including the head, (page 7, lines 9-12).

Given the teachings of Kwok it would have been obvious to one of ordinary skill in the art, to modify the teachings of Greer and Hoguta to show identifying a user by capturing a video image of a portion of the user's body, including the head. As taught by Hoguta, this would have guaranteed that information is being sent in a secure manner to the correct user only, and not to someone else who may be using the users terminal. This would also give the user the flexibility to go anywhere in the world and still be capable of receiving information based on the users profile, Kwok, page 1, lines 20-37.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
2/16/05



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER